

POLICY OF THE BOARD OF SELECTMEN REGARDING CONSTRUCTION ON CLASS VI AND PRIVATE ROADS

Under RSA 674:41 the Board of Selectmen has the discretion to authorize the issuance of all building permits on Class VI town roads and Private Roads, after review and comment by the Planning Board.

The Board of Selectmen has adopted this policy to help provide a uniform decision-making process when it is presented with such an application. It is intended that the Board of Selectmen will consider any factor it deems relevant to the authorization of a building permit in a particular case. Therefore, this statement of policy is not intended to be an exhaustive list of factors which may be taken into account by either the Planning Board or Board of Selectmen when reviewing an application for a building permit on a Class VI or Private Road.

1. **Statement of Purpose.** It is the purpose of this policy to ensure that emergency vehicles going to any structure built on Class VI or Private Roads will travel on roads that are properly constructed and maintained so as to be accessible in a safe manner at all times. In that way, the safety and property of people occupying or using those structures will not be unreasonably placed at risk, nor will the safety of emergency response personnel or their vehicles and equipment be needlessly endangered.

Further, the Board is mindful that development along a Class VI or Private Road may well lead to the receipt of a petition to lay out the road as Class V, town-maintained road, or a petitioned warrant article requesting the Town Meeting to reclassify the Class VI or Private Road as Class V. It is therefore the purpose of this policy to limit development along Class VI or Private Roads where such development will cause hardship to the town because of undue financial impact.

2. **Application.** Every application to the Board of Selectmen requesting that the Board authorize the issuance of a building permit on a Class VI or Private Road shall be made in writing and be accompanied by a map drawn to scale showing:
 - a) The location and size of the lot and its relation to the Class VI or Private Road and the Class V or better road which allows access to the Class VI or Private Road;
 - b) the specific location of all proposed structures;
 - c) the location and length of the driveway giving access to the structures from the Class VI or Private Road;

- d) any other information which the Board of Selectmen may reasonably require including, but not limited to, the location and condition/capacity of any existing bridges or culverts, impacts to wetlands, road grade and a plan describing continued maintenance for the road you are requesting a building permit on.
3. **Partial List of Factors.** In reviewing an application for a building permit on a Class VI or Private Road the Planning Board and Board of Selectmen may consider any factors it deems relevant, including but not limited to the following:
- a) whether the issuance of the building permit would be contrary to the spirit and intent of this policy;
 - b) whether the applicant proposes to physically bring the relevant portion of the Class VI or Private Road to Class V standards;
 - c) whether the Board finds that the applicant will properly maintain, individually or through a Road Association, the portion of the Class VI or Private Road needed to access the property from the Class V or better road;
 - d) any recommendations provided as a result of the Planning Board review;
 - e) any recommendations provided by the Road Agent.
4. **Improvements to Class VI and Private Roads.**
- a) Before beginning any work within the limits of a Class VI road, the applicant must receive a written permit from the Board of Selectmen pursuant to RSA 236:9-11 and shall be subject to the penalties provided by RSA 236:14 for failure to secure or comply with the terms of said permit.
 - b) The standards to which the Class VI and Private Roads must be brought in the usual case are those set out in the Subdivision Regulations, Appendix I, adopted by the Barrington Planning Board on July 1974 and any amendments thereto. However, the Board of Selectmen reserves the discretion to waive the application of such road standards or any portion thereof for good cause shown for the construction of only a single family dwelling on a single lot. In case such a waiver is granted, the applicant shall nonetheless adhere to the following minimum requirements to ensure that emergency vehicles will be able to access the property at any time of the year without undue risk to life or equipment:
 - i) the road shall have a sixteen foot (16') traveled surface with two foot (2') shoulders on each side;
 - ii) the road shall be finished with four inches (4") of crushed gravel;
 - iii) drainage culverts shall be installed as required;
 - iv) turnarounds shall be constructed as required;
 - v) pavement may be required, depending upon steepness of slope and other relevant circumstances.

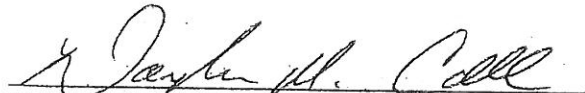
c) The Board of Selectman may require that the proper completion of the required improvements to the Class VI or Private Road be secured to the Town by the applicant by the submission of a performance bond, irrevocable letter of credit, cash, or other type or types of security in an amount and subject to such terms and conditions as shall be specified by the Board of Selectman.

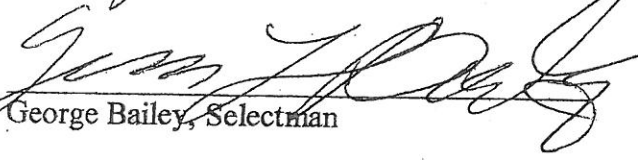
5. **Public Hearing.** Prior to the issuance of its decision on the application, the Board of Selectmen shall hold a public hearing with at least fourteen (14) days prior notice sent certified mail, return receipt requested, to the applicant and to each owner of property abutting the Class VI or Private Road in question. The notice shall also be posted in at least two (2) public places within the Town. The applicant shall pay the costs of such notice, in advance. The Board of Selectmen will also endeavor to ensure that timely notice of the public hearing is given to the Chair of the Planning Board, Zoning Board of Adjustment, and Conservation Commission, as well as to the Road Agent, Chief of Police, Ambulance Chief, Fire Chief, Building Inspector/Code Enforcement Officer and Zoning Compliance Officer.
6. **Notice to be Recorded.** Prior to the actual issuance of a building permit authorized by the Board of Selectmen, the applicant shall produce evidence that a notice has been properly recorded at the Strafford County Registry of Deeds to the effect that the Town of Barrington neither assumes responsibility for maintenance of the Class VI or Private Road nor liability for damages resulting from the use thereof, pursuant to RSA 674:41, I (c) (3). Such notice shall be prepared at the expense of the applicant by an attorney who shall represent the Town's interests in the matter, to be named by the Board of Selectmen. In addition, prior to the actual issuance of a certificate of occupancy authorized by the Building Inspector, the applicant shall complete all roadwork to the satisfaction of the town's Road Agent.
7. **Guarantee of Future Maintenance.**


Prior to the actual issuance of a building permit, the applicant shall either join and contribute to a Road Association responsible for future road maintenance, or individually agree to perform the road maintenance necessary to safely access the property from a Class V or better road. In either case, the applicant shall provide the Selectman with an appropriate duly recorded instrument for the purpose of guaranteeing that future maintenance of the access road will be performed in a timely manner.
8. **Appeal.** Any applicant, after applying for and being denied the issuance of a building permit by the Board of Selectmen, may appeal to the Zoning Board of Adjustment. Any such decision made in this connection by the Zoning Board of Adjustment shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

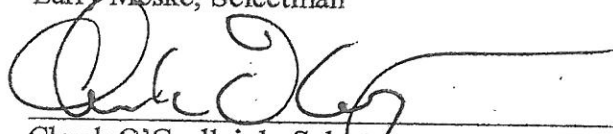
9. Repeal. The adoption of this Policy shall operate as a repeal of any other statement of policy to the extent the latter is inconsistent herewith.

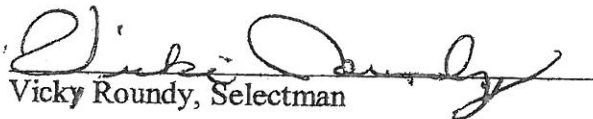
IN WITNESS WHEREOF, the undersigned members of the Barrington Board of Selectmen have set their hands this 10th day of MAY, 2004.


Doug Call, Chairman, Board of Selectmen


George Bailey, Selectman


Larry Meske, Selectman


Chuck O'Ceallaigh, Selectman


Vicky Roundy, Selectman

[Adopted May 10, 2004]



PRIVATE ROAD

Notice of Limits of Municipal Responsibility and Liability

NOW COMES _____, Hereinafter Referred to as _____,
Land Owner (s) Land Owner (s)
 of _____, County of Strafford, State of New Hampshire and Town of
Road Name (specify extension ie: Dr, St, Lane, etc)
 Barrington, Hereinafter Referred to as TOWN, a Municipal Corporation Existing Under the Laws of
 the State of New Hampshire and Agree as Follows:

WHEREAS _____, Being the Owner(s) Of Record of Certain Real Property
Land Owner (s)
 on _____, as Stated in the Deed Recorded at Book _____ Page _____,
Road Name (specify extension ie: Dr, St, Lane, etc)
 at the Strafford County Registry of Deeds, Map _____ Lot _____ Plot _____ Unit _____.

WHEREAS the Relevant Portion of Said _____ Upon Which
Road Name (specify extension ie: Dr, St, Lane, etc)
 the _____ Real Property Fronts is Private Road.
Land Owner (s)

WHEREAS the Town has Agreed to Issue a Building Permit in Accordance with Permitting
 Procedures on Said Real Property Upon the Filing of the Within Notice and recording at the Strafford
 County Registry of Deeds, Pursuant to New Hampshire Revised Statutes Annotated 674:41.

NOW THEREFORE the _____ Acknowledges and Agrees on Behalf
Land Owner (s)
 of Themselves, Their Heirs, Legal Representatives, Successors and Assigns as Follows:

1. The TOWN Shall Allow _____ to Construct a Residence
Land Owner (s)
 Pursuant to Building Permit by the TOWN on the Property on _____.
Road Name (specify extension ie: Dr, St, Lane, etc)
2. The TOWN Neither Assumes Responsibility for Maintenance, Including Snow Plowing, nor
 Liability for any Damages Resulting From the Use of _____.
Road Name (specify extension ie: Dr, St, Lane, etc)

3. _____ Acknowledges that the TOWN Shall not be Responsible for
Land Owner (s)
Maintaining Access to the Subject Property and do Hereby Forever Release and Discharge the
TOWN, its Officers, Agents and Employees From the Obligation of Maintaining _____
Road Name (specify
_____ Road and From any Claim of Any Nature, Whether in Tort or Otherwise
extension ie: Dr, St, Lane, etc)
which the Owners Might Have Against the TOWN for Any Loss or Damage, Including Those
Incurred through Failure to Provide Municipal Services, Including Police, Fire and Ambulance
Services, Arising out of the Condition of the Roadway from the Point Wherein _____
Road Name (specify
_____ Road is a Private Road.
extension ie: Dr, St, Lane, etc)

4. That _____ Assumes Responsibility for Transporting any Children
Land Owner (s)
to the Nearest Regular School Bus Stop.

5. That _____ Agrees That he Shall be Responsible for Maintaining Access
Land Owner (s)
Over _____ at a Minimum Width of _____ Feet. Any Maintenance or
Road Name (specify extension ie: Dr, St, Lane, etc)
Repair of _____ is to be Undertaken by _____
Road Name (specify extension ie: Dr, St, Lane, etc) Land Owner (s)
at Their Own Expense.

6. The Owner(s) Agree to Stipulate and Pass This Agreement at any Transfer of This Property.

DATED THIS _____ DAY OF _____ YEAR _____

Witness

Land Owner

Witness

Selectman, Town of Barrington, NH

Witness

Selectman, Town of Barrington, NH

Witness

Selectman, Town of Barrington, NH

Witness

Selectman, Town of Barrington, NH

Witness

Selectman, Town of Barrington, NH



CLASS VI ROAD **Notice of Limits of Municipal** **Responsibility and Liability**

NOW COMES _____, Hereinafter Referred to as _____,
Land Owner (s) Land Owner (s)
of _____, County of Strafford, State of New Hampshire and Town of
Road Name (specify extension ie: Dr, St, Lane, etc)
Barrington, Hereinafter Referred to as TOWN, a Municipal Corporation Existing Under the Laws of
the State of New Hampshire and Agree as Follows:

WHEREAS _____, Being the Owner(s) Of Record of Certain Real Property
Land Owner(s)
on _____, as Stated in the Deed Recorded at Book _____ Page _____,
Road Name (specify extension ie: Dr, St, Lane, etc)
at the Strafford County Registry of Deeds, Map _____ Lot _____ Plot _____ Unit _____.

WHEREAS the Relevant Portion of Said _____ Upon Which
Road Name (specify extension ie: Dr, St, Lane, etc)
the _____ Real Property Fronts is a Class VI Highway as Classified by New
Land Owner (s)
Hampshire Revised Statutes Annotated 229:5.

WHEREAS the Town has Agreed to Issue a Building Permit in Accordance with Permitting
Procedures on Said Real Property Upon the Filing of the Within Notice and recording at the Strafford
County Registry of Deeds, Pursuant to New Hampshire Revised Statutes Annotated 674:41.

NOW THEREFORE the _____ Acknowledges and Agrees on Behalf
Land Owner (s)
of Themselves, Their Heirs, Legal Representatives, Successors and Assigns as Follows:

1. The TOWN Shall Allow _____ to Construct a Residence
Land Owner (s)
Pursuant to Building Permit by the TOWN on the Property on _____.
Road Name (specify extension ie: Dr, St, Lane, etc)
2. The TOWN Neither Assumes Responsibility for Maintenance, Including Snow Plowing, nor
Liability for any Damages Resulting From the Use of _____.
Road Name (specify extension ie: Dr, St, Lane, etc)

3. _____ Acknowledges that the TOWN Shall not be Responsible for
Land Owner(s)
Maintaining Access to the Subject Property and do Hereby Forever Release and Discharge the
TOWN, its Officers, Agents and Employees From the Obligation of Maintaining _____
Road Name (specify _____)
_____ Road and From any Claim of Any Nature, Whether in Tort or Otherwise
extension ie: Dr, St, Lane, etc)
which the Owners Might Have Against the TOWN for Any Loss or Damage, Including Those
Incurred through Failure to Provide Municipal Services, Including Police, Fire and Ambulance
Services, Arising out of the Condition of the Roadway from the Point Wherein _____
Road Name (specify _____)
_____ Road is a Class VI Highway.
extension ie: Dr, St, Lane, etc)

4. That _____ Assumes Responsibility for Transporting any Children
Land Owner(s)
to the Nearest Regular School Bus Stop.

5. That _____ Agrees That he Shall be Responsible for Maintaining Access
Land Owner(s)
Over _____ at a Minimum Width of _____ Feet. Any Maintenance or
Road Name (specify extension ie: Dr, St, Lane, etc)
Repair of _____ is to be Undertaken by _____
Road Name (specify extension ie: Dr, St, Lane, etc) Land Owner (s)
at Their Own Expense and Shall Take Place Only After Permission is Granted by the Board of
Selectmen or Road Agent, Pursuant to New Hampshire Revised Statutes Annotates 236:9
Through 13.

6. The Owner(s) Agree to Stipulate and Pass This Agreement at any Transfer of This Property.

DATED THIS _____ DAY OF _____ YEAR _____

Witness

Land Owner

Witness

Selectman, Town of Barrington, NH

Witness

Selectman, Town of Barrington, NH

Witness

Selectman, Town of Barrington, NH

Witness

Selectman, Town of Barrington, NH

Witness

Selectman, Town of Barrington, NH

Process Steps for Class VI/Private Road Building Permit Approval

